

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

QUILLON EDWARD CLEMONS,

Plaintiff,

v.

SHERIFF PAUL PASTOR, MARTHA
KARR, JUDY SNOW, ERIKA
ZIMMERMAN, and MARY SCOTT,

Defendants.

No. C10-5235 RJB/KLS

ORDER DENYING REQUEST FOR
CONFERENCE WITH CLERK

On December 22, 2010, Plaintiff was granted leave to file an amended complaint to state facts as to his claims relating to: (1) medical care; (2) temperature in his cell; (3) sanitary conditions of his cell; (4) excessive noise; and (5) failure to train subordinates. ECF No. 43. Since that time, Plaintiff has been ordered two more times to amend his complaint or face dismissal. Instead, Plaintiff has filed numerous pleadings, none of which comply with the court's Order. *See* ECF No. 46 ("Report and Brief in Support of a § 1983 Civil Action."); ECF No. 46 (Motion for Subpoena); ECF Nos. 49 and 50 (Affidavits); ECF No. 51 (Letter to Magistrate Judge Arnold); ECF Nos. 53 and 54 (Summary Judgment and Motion for an Official and Personal Investigation). Then, on February 14, 2011, Plaintiff filed an application to proceed *in forma pauperis* and a proposed complaint in an entirely separate action in which he names some of the same defendants and raises the same claims as he attempted to raise in this action, *i.e.*, the temperature in his cells, the failure to train corrections officers, lack of medical

ORDER TO AMEND OR SHOW CAUSE- 1

1 attention, rotten food, bunk assignment, and excessive noise. *Clemons v. Pastor, et al.*, No. C11-
2 5133RBL/KLS (ECF No. 1 therein).

3 In his letter of March 19, 2011, Plaintiff advises the court that his latest filing in Case No.
4 C11-5133 RBL/KLS was filed in error. ECF NO. 56, p. 1. Accordingly, under separate Report
5 and Recommendation, it has been recommended that Case No. C11-5133 RBL/KLS be
6 dismissed without prejudice.

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8 Plaintiff now requests to schedule a telephone conference with the Deputy Clerk in
9 Charge or the District Court Executive to discuss his filings and to "fix the deficiency." ECF
10 No. 56, p. 3. That request is denied. Plaintiff has been carefully instructed on numerous
11 occasions as to the scope of his remaining claims in this case. His previous claims relating to the
12 failure to process grievances and food were dismissed. He was given an opportunity to replead
13 claims relating to (1) medical care; (2) temperature in his cell; (3) sanitary conditions of his cell;
14 (4) excessive noise; and (5) failure to train subordinates. ECF No. 43. Plaintiff has been given
15 several opportunities to do so. His next and last deadline in this case is **April 8, 2011**. If he has
16 not filed an amended complaint by that time, the court will recommend that this case be
17 dismissed and that the dismissal be counted as a strike under 28 U.S.C. § 1915(g). **The Clerk is**
18 **directed to send to Plaintiff the appropriate form for filing a 42 U.S.C. 1983 civil rights**
19 **complaint, a copy of this Order and a copy of the General Order.**
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23 DATED this 29th day of March, 2011.

24 
25 Karen L. Strombom
26 United States Magistrate Judge